

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No. CV 17-1901-R -AS

Date December 14, 2017

Title Theodore James Zen v. Nancy A. Berryhill

Present: The Honorable Alka Sagar, United States Magistrate Judge

Alma Felix

N/A

Deputy Clerk

Court Reporter / Recorder

Attorneys Present for Plaintiff:

Attorneys Present for Defendant:

N/A

N/A

Proceedings: (IN CHAMBERS) ORDER TO SHOW CAUSE

On September 28, 2017, the Court issued an order directing Defendant to serve Plaintiff with a copy of Defendant's Answer and the Certified Administrative Record at Plaintiff's new address of record and to file proof of service with the Court. (Docket Entry No. 26). Plaintiff was ordered to file - within thirty (30) days of the date of service of Defendant's Answer and the Certified Administrative Record - a motion for summary judgment in accordance with the Court's March 24, 2017 Order re Procedures in Social Security Case. Id. On October 2, 2017, Defendant filed a notice regarding service of the Answer and Certified Administrative Record, indicating that it had already served the Answer and Certified Administrative Record to Plaintiff at Plaintiff's new address of record on September 25, 2017. Therefore, Plaintiff was required to file a motion for summary judgment no later than October 25, 2017 (thirty days following the date of service). To date, Plaintiff has failed to file a motion for summary judgment, seek an extension of time to do so, or otherwise communicate with the Court.

The Court, on its own motion, orders Plaintiff to show cause, in writing, no later than January 15, 2018, why this action should not be dismissed for lack of prosecution. See Link v. Wabash R. Co., 370 U.S. 626 (1962) (Court has inherent power to dismiss for lack of prosecution on its own motion). Plaintiff may file a Motion for Summary Judgment or remand or declaration in response to this Order to Show Cause **no later than January 15, 2018**. Failure to respond to this Order to Show Cause will result in a recommendation that this action be dismissed with prejudice for failure to prosecute and failure to comply with the Court's Orders.

In addition, Plaintiff may instead request a voluntary dismissal of this action pursuant to Federal Rule of Civil Procedure 41(a). A Notice of Dismissal form is attached for Plaintiff's convenience. Plaintiff is expressly warned that failure to file a timely response to this Order will result in an Order dismissing this action with prejudice for his failure to comply with Court orders and for his failure to prosecute. See Fed. R. Civ. P. 41(b).

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